

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|--|---|----------------------------------|
| Darrine Chieves, |) | |
| |) | |
| Plaintiff, |) | |
| |) | C/A No. 3:13-1152-JFA-KFM |
| vs. |) | |
| |) | REPORT AND RECOMMENDATION |
| United States District Court; Richland |) | |
| County; FBI Agency, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Darrine Chieves (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this civil action on April 29, 2013, and it appeared that his address was the Bryan Psychiatric Institution, 220 Faison Drive, Columbia, SC 29203. Compl., ECF No. 1. By order dated May 13, 2013, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. Order, ECF No. 10. The deputy clerk mailed the May 13, 2013, order to Plaintiff. ECF No. 12. Plaintiff did not receive the order because the United States Postal Service returned it to this Court stamped “Return to Sender.” ECF No. 13. Thereafter, out of an abundance of caution, because Plaintiff had listed another address on the Complaint, this Court directed the deputy clerk to mail the May 13, 2013, order to Plaintiff at a different address—7901 Farrow Road, Columbia, SC 29203. ECF No. 16. Plaintiff again did not receive the order because the United States Postal Service returned it to this Court marked “moved, left no address.” ECF No. 18. Thus, it appears that Plaintiff’s address has changed, and he failed to notify this Court of his new address.

Rule 41(b) permits dismissal of an action based on a plaintiff’s failure to prosecute. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). It is

recommended that this case should be dismissed *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil Procedure. Plaintiff's attention is directed to the important notice on the next page.

s/ Kevin F. McDonald
United States Magistrate Judge

June 11, 2013
Greenville, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).